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Attorneys for Plaintiff CopyTele, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COPYTELE, INC., a Delaware
Corporation,

Plaintiff,

v.

AU OPTRONICS CORPORATION, a
Taiwanese corporation; E INK
HOLDINGS, INC., a Taiwanese
corporation; and E INK CORPORATION,
a Delaware corporation,

Defendants.

Case No. 3:13-cv-00380-EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: February 20, 2014
Time: 10:30 a.m.
Dept: Courtroom 5, 17th Floor
Judge: The Honorable Edward M. Chen

1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, this Stipulation and [Proposed] Order is
2 entered into by and between Plaintiff CopyTele, Inc. ("CopyTele") and Defendants E Ink
3 Holdings, Inc., a Taiwanese corporation, E Ink Corporation, a Delaware corporation (collectively
4 "E Ink"), and AU Optronics Corporation ("AUO"), a Taiwanese corporation.

5 WHEREAS, CopyTele filed its complaint in this action on January 28, 2013;

6 WHEREAS, on April 29, 2013, AUO filed a motion to compel arbitration and to stay the
7 litigation, and E Ink filed motions to dismiss all claims against it and in the alternative to stay the
8 claims against it pending arbitration between CopyTele and AUO;

9 WHEREAS, on July 9, 2013, in light of CopyTele's agreement to arbitrate its claims
10 against AUO, this Court stayed the claims against all defendants pending the resolution of the
11 arbitration (Dkt. No. 91);

12 WHEREAS, the parties engaged in Settlement Conference proceedings before Magistrate
13 Judge Jacqueline Scott Corley in August and September but were not successful in resolving the
14 case (Dkt. Nos. 93 & 94);

15 WHEREAS, CopyTele filed its Demand for Arbitration before the American Arbitration
16 Association on September 17, 2013, and AUO filed its Answer in the arbitration on October 28,
17 2013;

18 WHEREAS, a Preliminary Hearing in the arbitration was held on February 4, 2014, and
19 an initial Procedural Order was issue on February 6, 2014;

20 WHEREAS, the Procedural Order requests that CopyTele and AUO confer on various
21 aspects of the discovery schedule;

22 WHEREAS, in light of the status of the arbitration and the ongoing status of discussions
23 regarding the scheduling of discovery, the parties respectfully request that the Court continue the
24 Case Management Conference 60 days;

25 **IT IS HEREBY STIPULATED AND AGREED** that:

- 26 1. The Case Management Conference shall be continued from February 20, 2014 to
27 April 24, 2014 at 10:30 a.m.
28 2. Pursuant to Civil General Standing Order No. 6, the Case Management

Conference, Statement will be due on or before April 17, 2014.

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1 Dated: February 10, 2014

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP

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4 By: /s/ Eric B. Fastiff
Eric B. Fastiff

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Attorneys for Plaintiff COPYTELE, INC.

12 Dated: February 10, 2014

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Attorneys for Defendant E INK CORPORATION

20 Dated: February 10, 2014

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*Attorneys for Defendant AU OPTRONICS
CORPORATION*

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: February 10, 2014

/s/ David T. Rudolph

David T. Rudolph

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. For good cause shown:

1. The Case Management Conference shall be continued from February 20, 2014 to April 24, 2014 at 10:30 a.m.
2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference, Statement will be due on or before April 17, 2014.

Dated: 2/11, 2014

